

**STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD**

ASSOCIATION OF EDUCATIONAL OFFICE
AND TECHNICAL EMPLOYEES, NEA,

Charging Party,

v.

HAYWARD UNIFIED SCHOOL DISTRICT,

Respondent.

Case No. SF-CE-2183-E

PERB Decision No. 1454

July 27, 2001

Appearances: California Teachers Association by Priscilla Winslow, Attorney, for Association of Educational Office and Technical Employees, NEA; Schools Legal Counsel by Ralph Stern, Attorney, for Hayward Unified School District.

Before Amador, Baker and Whitehead, Members.

DECISION

AMADOR, Member: This case is before the Public Employment Relations Board (PERB or Board) on an appeal filed by the Association of Educational Office and Technical Employees, NEA (Association) to a Board agent's partial dismissal of the Association's unfair practice charge.

By letter dated June 4, 2001, the Association informed PERB that the parties had reached a favorable settlement and attached a copy of that agreement, which was executed by representatives for the Association and the Hayward Unified School District (District). A copy of this letter and attachment was served on the District.

Paragraph 5 of the parties' agreement stated that:

Upon execution of this agreement by both parties, he [Association] will withdraw with prejudice the complaint in PERB Charge No. SF-CE-2183, including its Appeal of the Partial Dismissal and Refusal to Issue a Complaint on that charge.

The Board takes administrative notice of the fact that the unfair practice charge and complaint in Case No. SF-CE-2183 have been withdrawn by the Association. Therefore, it is only the appeal of the partial dismissal that is before the Board.

After reviewing the entire record and the parties' settlement agreement, the Board finds the Association's request to withdraw its appeal of the partial dismissal is in the best interests of the parties and is consistent with the purposes of the Educational Employment Relations Act (EERA).¹

ORDER

Accordingly, it is hereby ORDERED that the appeal of the partial dismissal and refusal to issue a complaint in Case No. SF-CE-2183 is WITHDRAWN WITH PREJUDICE.

Members Baker and Whitehead joined in this Decision.

¹ EERA is codified at Government Code section 3540 et seq.